

LONDON BOROUGH OF HARROW

Meeting:	HEALTH & SOCIAL CARE SUB-COMMITTEE
Date:	24 JULY 2003
Subject:	CONSULTATION ON PROPOSALS FOR MOUNT VERNON HOSPITAL – MEETING TO DISCUSS POSSIBLE DIRECTION AND THE SETTING UP OF A JOINT COMMITTEE
Responsible Chief Officer	CHIEF EXECUTIVE
Status:	Part I
Ward:	N/A
Enclosures:	Appdx 1 - Direction issued by the Secretary of State for Health Appdx 2 - Notes of the informal officer/Member meeting of Local Authorities held on 10 July 2003 Appdx 3 - Guidance on undertaking scrutiny of substantial developments or variations to health services until the abolition of Community Health Councils

Summary

1. The Secretary of State for Health, on 17 July 2003, issued a general Direction under Regulation 10 (The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002) which governs the way Local Authorities respond to consultations on a substantial development of the health service or a substantial variation in the provision of such service where the health body has consulted more than one Local Authority overview and scrutiny committee. This will affect the consultations currently underway on the future of the cancer services at Mount Vernon, as originally raised in the Bedfordshire & Hertfordshire Strategic Health Authority document 'Investing in your health' and supplemented by the further consultation document from the North West London Strategic Health Authority, 'Mount Vernon Hospital: The Future of Services for Cancer Patients'. Consideration also needs to be given to the position in relation to the wider proposals covered in 'Investing in your health'.
2. The Direction was made on 17 July and came into effect on that date. Bedfordshire County Council, which is currently leading on this issue, has queried with the Department of Health (DoH) the applicability of the Direction to the consultations already underway. The DoH has advised that the arrangements being made to establish a Joint Committee are appropriate given the fact that the Direction was anticipated in the DoH Overview and Scrutiny of Health Guidance issued in May, the inference being that the local authorities could have set up a Joint Committee earlier in the consultation period. The Direction is in imperative terms, permitting no exceptions.

2. Recommendations:

1. The Overview and Scrutiny Committee:
 - i) approve Harrow's participation in a Joint (Overview and Scrutiny) Committee under the provisions of the Direction, together with other relevant Local Authorities in relation to the consultation paper from the North West London Strategic Health Authority (SHA) 'Mount Vernon Hospital: The Future of Services for Cancer Patients' and, if appropriate, the Bedfordshire and Hertfordshire SHA consultation paper 'Investing in your health';
 - ii) approve the appointment of two Members of the Health and Social Care Scrutiny Sub-Committee to serve on the Joint Committee, on a politically proportionate basis (being one Labour and one Conservative Group Member) to comply with the Direction;
 - iii) be asked to agree any recommendation which may be made by the Sub-Committee on whether Community Health Councils should be invited onto the Joint Committee as co-opted members or whether their views should be fed-in in another way;
2. that the Health and Social Care Sub-Committee authorise the use of the Executive Action procedure to refer the Recommendations at (1) above to the Chair and Nominated Members of the Overview and Scrutiny Committee on the grounds of urgency, prior to the meeting on 30 July which is proposed to establish the Joint Committee.

Policy Context (including Relevant Previous Decisions)

3. The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 empower an overview and scrutiny committee to review and scrutinise any matter relating to the planning, provision and operation of health services in its area. They also require NHS bodies to consult overview and scrutiny committees on any proposal for a substantial development of the health service in the area of the local authority or for a substantial variation in the provision of such service.
4. 'Investing in your health', (the consultation paper from Bedfordshire & Hertfordshire Strategic Health Authority which also contains proposals relating to the future of Mount Vernon Hospital) and 'Mount Vernon Hospital: The Future of Services for Cancer Patients' (the consultation document from North West London Strategic Health Authority and its related Primary Care Trusts) have both been referred to this Authority and have been the subject of deliberations by this Sub-Committee.

Relevance to Corporate Priorities

5. The proposals in both consultation documents will affect the quality of health care available to Harrow residents.

Background Information

6. The Secretary State for Health has now issued a general Direction to all Local Authorities in England in exercise of powers conferred by Section 8(4) of the Health and Social Care Act 2001 and under Regulation 10 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002. The Direction (attached at Appendix 1) specifies the action Local Authorities are required to take where a local NHS body consults more than one overview & scrutiny committee on any proposal for a substantial development of the health service or a substantial variation in the provision of such service.
7. In these circumstances, the Local Authorities are now required to appoint a joint overview and scrutiny committee for the purposes of the consultations. Only that joint overview and scrutiny committee may
 - i) make comments to the local NHS body on the proposal consulted on;
 - ii) require the local NHS body to provide information about the proposal;
 - iii) require an officer of the local NHS body to attend before it to answer questions.
8. This Sub-Committee is currently considering the following two consultation papers which fall under the terms of this Direction:
 - i) 'Investing in your health' – the consultation paper from Bedfordshire & Hertfordshire Strategic Health Authority (B&HSHA)
 - ii) 'Mount Vernon Hospital: The Future of Services for Cancer Patients' - the consultation paper from the North West London Strategic Health Authority (NWLSHA) and its related Primary Care Trusts (PCTs).
9. The B&HSHA consultation is due to close on 1 September 2003 whilst the closing date for the NWLSHA consultation is 12 September 2003. The applicability of the Direction to these particular consultations, which started well before the Direction was made, has been raised with the DoH. The DoH has indicated that, given the fact that the Direction was anticipated in the DoH Policy Guidance issued in May, the establishment of a Joint Committee is expected in the circumstances.
10. The issue of a specific Direction to at least Bedfordshire and Hertfordshire County Councils, Luton Borough Council, the London Boroughs of Hillingdon and Harrow had been anticipated for a number of weeks. An informal meeting of officers and Members was, therefore, held on 10 July 2003 to discuss the establishment of the Joint Committee, if required. The notes of that meeting are at Appendix 2. At that time the assumption had been that any Direction to be issued was likely to relate only to the proposals affecting Mount Vernon Hospital and to specify the above 5 Authorities although representatives of other Authorities had attended the meeting due to their interests in the Mount Vernon proposals.
11. The terms of the Direction actually issued varies significantly from the original expectations in being general and relating to all consultations where more than 1 Local Authority had been consulted. This greatly increases the number of Authorities which would need to be involved in this particular Joint Committee. There are also implications for the remit of the Joint Committee, which it is proposed will be discussed at its initial meeting.

12. Notwithstanding these variations, a number of the principles agreed at the informal meeting, which was attended by the Chair of this Sub-Committee, would still be applicable. Some of these related to the operation of the Joint Committee and would need to be determined by the Committee itself at its inaugural meeting.
13. There is also a need to consider the appointment of 2 Council Members to serve on the Joint Committee. The representation on the Joint Committee needs to be politically proportionate for each participating Authority, which for Harrow would be one Labour and one Conservative Member. It is understood that the Labour and Conservative Group nominations are likely to be Councillors Marie-Louise Nolan and Silver. The appointment of Members to the Joint Committee is a function of the Overview and Scrutiny Committee. The appointments will need to be made to the inaugural meeting of the Joint Committee being convened for 30 July.
14. A core of 10 Local Authorities with Social Services responsibilities (to which the Direction applies) have been identified as having a direct and material interest in the future of services provided by Mount Vernon. On the basis of 2 Members from each constituent Authority, this would result in a Committee of a minimum of 20 Members. Recent advice from the DoH has reiterated that the Joint Committee should have as its potential membership all of those authorities originally consulted and that all should be available to join/be involved in the Joint Committee. All Authorities which have been consulted have a right to be involved although there is no requirement to participate.
15. The DoH has also amended its previously issued guidance on the arrangements for undertaking scrutiny of substantial development or variations to health services until the abolition of Community Health Councils on 1 December 2003. This guidance (Appdx 3) clarifies the roles and responsibilities of Community Health Councils (CHCs), which currently hold similar powers to overview and scrutiny committees (OSCs) in relation to substantial developments and variations in service. To avoid duplication, it is recommended that OSCs and CHCs work closely together to ensure the most effective use of all stakeholders resources. It is understood that the initial views from the other Local Authorities involved is that the local CHCs should be invited to take part in the process, possibly in a co-opted capacity. Section 21(10) of the Local Government Act 2000 permits co-option to the OSC of persons who are not members of the local authority but those persons have no voting rights.
16. **LEGAL COMMENTS**
17. None
18. **FINANCE COMMENTS:**
19. All participating Local Authorities are likely to need to contribute towards the costs of servicing the Joint Committee and possibly purchasing some external support to appraise all the evidence gathered. There is no specific Social Services budget to meet these costs.

20. **CONCLUSIONS**

- 1) The participation of Harrow's Overview and Scrutiny Committee in a Joint Committee to consider the Mount Vernon consultation paper, together with the Investing in Your Health document if appropriate, requires a formal decision;
- 2) Harrow's politically proportionate representation on the Joint Committee needs to be agreed;
- 3) the above decision will need to be Recommendations to the Overview and Scrutiny Committee and to be approved via the Executive Action procedure prior to 31 July 2003;
- 4) further Joint Committees are likely to be established as necessary, composed of representatives from relevant Local Authorities, to consider other NHS consultation papers.

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Background Papers:

'Investing in your health' – the consultation paper from Bedfordshire & Hertfordshire Strategic Health Authority (B&HSHA)

'Mount Vernon Hospital: The Future of Services for Cancer Patients' - the consultation paper from the North West London Strategic Health Authority (NWLSHA) and its related Primary Care Trusts (PCTs).